

**Executive Summary – Enforcement Matter – Case No. 48391**

**DCP Midstream, LP**

**RN100220052**

**Docket No. 2014-0381-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Sneed Booster Station, located 4.25 miles south and 17 miles east of Dumas off Highway 1973, Moore County

**Type of Operation:**

Natural gas compressor station

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 22, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$112,500

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$56,250

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$56,250

Name of SEP: Borger Independent School District (Third-Party Pre-Approved SEP)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 48391**  
**DCP Midstream, LP**  
**RN100220052**  
**Docket No. 2014-0381-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** February 11, 2014  
**Date(s) of NOE(s):** February 27, 2014

***Violation Information***

Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and 101.20(1) and (3), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), New Source Review Permit Nos. 83193 and PSDTX1104, Special Conditions Nos. 1 and 17C, and Federal Operating Permit No. O2568, Special Terms and Conditions No. 8].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On May 10, 2014, the Respondent completed the corrective action plan submitted on May 2, 2014 which included the replacement of all tubes, ferrules, and refractory in the waste heat exchanger to address the excessive emissions event from December 6, 2012 through December 24, 2012 (Incident No. 176900).

**Technical Requirements:**

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 48391**  
**DCP Midstream, LP**  
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**Docket No. 2014-0381-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondent:** Steve Kuhn, Environmental Specialist, DCP Midstream, LP, 370 17th Street, Suite 2500, Denver, Colorado 80202

Ghazi Shahin, Vice President of Operations, DCP Midstream, LP, 370 17th Street, Suite 2500, Denver, Colorado 80202

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2014-0381-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>DCP Midstream, LP</b>
<b>Penalty Amount:</b>	<b>One Hundred Twelve Thousand Five Hundred Dollars (\$112,500)</b>
<b>SEP Offset Amount:</b>	<b>Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Borger Independent School District</b>
<b>Project Name:</b>	<b><i>Borger ISD Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Hutchinson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Borger Independent School District** for the *Borger ISD Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel and gasoline buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel or gasoline school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Borger Independent School District SEP** and mail the contribution with a copy of the Agreed Order to:

Borger Independent School District  
200 East Ninth Street  
Borger, Texas 79008-1177

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. **Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. **Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

**DATES** Assigned 4-Mar-2014  
PCW 25-Jun-2014 Screening 10-Mar-2014 EPA Due 24-Nov-2014

## RESPONDENT/FACILITY INFORMATION

Respondent DCP Midstream, LP  
Reg. Ent. Ref. No. RN100220052  
Facility/Site Region 1-Amarillo Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 48391  
Docket No. 2014-0381-AIR-E  
Media Program(s) Air  
Multi-Media  
No. of Violations 1  
Order Type Findings  
Government/Non-Profit No  
Enf. Coordinator Farhaud Abbaszadeh  
EC's Team Enforcement Team 4  
Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$75,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 50.0% Enhancement Subtotals 2, 3, & 7 \$37,500

Notes Enhancement for two NOVs with same/similar violations and two orders with a denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement\* Subtotal 6 \$0

Total EB Amounts \$14,033  
Approx. Cost of Compliance \$197,000  
\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

Final Subtotal \$112,500

### OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$112,500

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$112,500

### DEFERRAL

0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

\$112,500

Screening Date 10-Mar-2014

Docket No. 2014-0381-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 3 (September 2011)

Case ID No. 48391

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100220052

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations and two orders with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

Screening Date 10-Mar-2014

Docket No. 2014-0381-AIR-E

PCW

Respondent DCP Midstream, LP

Policy Revision 3 (September 2011)

Case ID No. 48391

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100220052

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and 101.20(1) and (3), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.18(c)(1), New Source Review Permit Nos. 83193 and PSDTX1104, Special Conditions Nos. 1 and 17C, and Federal Operating Permit No. 02568, Special Terms and Conditions No. 8

Violation Description

Failed to prevent unauthorized emissions. Specifically the respondent released 510,778.67 pounds ("lbs") of sulfur dioxide, 5,545.40 lbs of hydrogen sulfide, 123.22 lbs of carbon monoxide, 30.94 lbs of nitrous oxide, and 26.42 lbs of natural gas mixture from the Sneed Emergency Acid Gas Flare (Emissions Point Number FLR1) during an event that occurred from December 6, 2012 through December 24, 2012 (Incident No. 176900) and lasted 433 hours and 17 minutes. The emissions event occurred when the Emergency Shutdown System activated and shut down the Sulfur Recovery Unit ("SRU") due to a tube leak in the waste heat exchanger of the reaction furnace. Acid gas was routed to the flare until the SRU could be repaired and restarted, causing the flare to smoke. TCEQ staff determined that this event was an excessive emissions event.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor
197000				

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

## Violation Events

Number of Violation Events 3

19 Number of violation days

mark only one with an x	daily	
	weekly	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$75,000

Three weekly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for the violation.

Violation Subtotal \$75,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$14,033

Violation Final Penalty Total \$112,500

This violation Final Assessed Penalty (adjusted for limits) \$112,500

# Economic Benefit Worksheet

Respondent DCP Midstream, LP  
Case ID No. 48391  
Reg. Ent. Reference No. RN100220052  
Media Air  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$197,000	6-Dec-2012	10-May-2014	1.42	\$14,033	n/a	\$14,033

Notes for DELAYED costs

Actual cost to retube the waste heat exchanger to address the excessive emissions event, Incident No. 176900. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$197,000

TOTAL

\$14,033



# Compliance History Report

**PUBLISHED** Compliance History Report for CN601229917, RN100220052, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601229917, DCP Midstream, LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	4.53
<b>Regulated Entity:</b>	RN100220052, SNEED BOOSTER STATION	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	8.21
<b>Complexity Points:</b>	11	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	03 - Oil and Gas Extraction				
<b>Location:</b>	4.25 MILES SOUTH AND 17 MILES EAST OF DUMAS OFF HIGHWAY 1973 IN MOORE COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 01 - AMARILLO				

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER MR0029L	<b>AIR OPERATING PERMITS</b> PERMIT 2568
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4834100014	<b>AIR NEW SOURCE PERMITS</b> PERMIT 7894
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 28214	<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER MR0029L
<b>AIR NEW SOURCE PERMITS</b> PERMIT 73350	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 38617
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX1104	<b>AIR NEW SOURCE PERMITS</b> PERMIT 83193
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER MR0029L	

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** March 13, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 07, 2009 to March 07, 2014

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Farhaud Abbaszadeh

**Phone:** (512) 239-0779

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator occur?                              | N/A |

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

- |   |   |  |
|---|---|--|
| 1 | Effective Date: 02/20/2011  | ADMINORDER 2010-1358-AIR-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Major   |  |
|   | Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)   |  |
|   | 5C THSC Chapter 382 382.0518(a)   |  |
|   | 5C THSC Chapter 382 382.085(b)  |  |
|   | Description: Failed to properly authorize fugitive emissions. This is a violation of 30 TAC Chapter 116.110(a) and SOP No. 02568. |  |
| 2 | Effective Date: 02/10/2012  | ADMINORDER 2011-1062-AIR-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate  |  |
|   | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  |  |

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition No. 1 PERMIT  
Special Terms and Conditions No. 7 OP

Description: Failed to comply with the hourly emission rates. Specifically, during the commissioning of the Sulfur Recovery Unit, from October 8, 2010 through December 31, 2010, the Respondent exceeded the hourly emission rate of 81.58 pounds per hour of sulfur dioxide from the Tail Gas Incinerator Unit (Emission Point Number TGI). During the period of noncompliance, 12,347.69 pounds of sulfur dioxide were released.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	April 09, 2009	(741588)
Item 2	July 06, 2009	(760860)
Item 3	July 07, 2009	(760754)
Item 4	August 06, 2009	(760929)
Item 5	August 10, 2009	(764931)
Item 6	September 28, 2009	(777008)
Item 7	October 13, 2009	(778861)
Item 8	December 03, 2009	(784575)
Item 9	December 10, 2009	(784554)
Item 10	January 13, 2010	(786629)
Item 11	February 18, 2010	(792255)
Item 12	March 11, 2010	(795264)
Item 13	March 29, 2010	(797427)
Item 14	April 13, 2010	(799055)
Item 15	May 06, 2010	(801629)
Item 16	May 12, 2010	(802380)
Item 17	May 26, 2010	(824699)
Item 18	June 30, 2010	(828877)
Item 19	October 01, 2010	(865196)
Item 20	November 04, 2010	(872661)
Item 21	November 12, 2010	(877026)
Item 22	April 29, 2011	(914853)
Item 23	May 26, 2011	(921138)
Item 24	June 13, 2011	(923588)
Item 25	June 16, 2011	(933122)
Item 26	July 21, 2011	(941181)
Item 27	July 25, 2011	(942872)
Item 28	July 26, 2011	(942904)
Item 29	July 27, 2011	(943334)
Item 30	August 05, 2011	(944262)
Item 31	August 29, 2011	(948738)
Item 32	September 13, 2011	(955671)
Item 33	September 20, 2011	(955741)
Item 34	October 04, 2011	(957438)
Item 35	October 05, 2011	(958634)
Item 36	October 12, 2011	(958868)
Item 37	December 28, 2011	(976204)
Item 38	March 16, 2012	(994437)
Item 39	March 27, 2012	(995471)
Item 40	April 20, 2012	(997735)
Item 41	May 25, 2012	(1008042)
Item 42	June 07, 2012	(1009485)
Item 43	June 29, 2012	(1014966)
Item 44	July 26, 2012	(1020842)
Item 45	August 06, 2012	(1022425)

Item 46	September 26, 2012	(1034654)
Item 47	October 03, 2012	(1034682)
Item 48	April 03, 2013	(1077349)
Item 49	April 22, 2013	(1085887)
Item 50	April 29, 2013	(1086836)
Item 51	May 06, 2013	(1086984)
Item 52	May 16, 2013	(1088586)
Item 53	May 23, 2013	(1088708)
Item 54	June 20, 2013	(1099745)
Item 55	August 07, 2013	(1105941)
Item 56	August 21, 2013	(1114752)
Item 57	August 26, 2013	(1115537)
Item 58	August 27, 2013	(1115560)
Item 59	September 27, 2013	(1120676)
Item 60	September 30, 2013	(1122154)
Item 61	November 19, 2013	(1088278)
Item 62	December 13, 2013	(1134539)
Item 63	December 19, 2013	(1134721)
Item 64	January 07, 2014	(1135032)
Item 65	January 08, 2014	(1139703)
Item 66	January 14, 2014	(1139537)
Item 67	February 06, 2014	(1140275)
Item 68	February 10, 2014	(1143892)

#### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	07/15/2013	(1094302)	CN601229917
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) 83193 PERMIT		
	Description:	DCP reported that during the period of January 01, 2011 through February 08, 2011, SO2 concentrations in the TGI Stack exceeded the 81.58 lb/hr limitation for SO2 listed in the MAERT on numerous occasions.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) 83193 PERMIT		
	Description:	Deviations were reported for exceeding the minimum sulfur recovery limitation of 98.5% on a daily average when the sulfur production rate exceeded five long tons per day. DCP reported that the minimum sulfur recovery limitation of 98.5% was exceeded.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) 83193 PERMIT		
	Description:	Deviations of exhaust O2 concentrations of less than 2.81% in the TGI Stack after the initial stack testing and adjustment of the O2 concentration percentage. Five deviations occurred between March 26, 2011 and June 30, 2011; two between July 01, 2011 and December 31, 2011 and one between November 01, 2012 and June 30, 2012.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) 83193 PERMIT		
	Description:	DCP failed to maintain the TGI firebox exit temperature at not less than 1450°F while acid gas was being fed to the TGI between January 01, 2011 and March 23, 2011. The initial performance test was performed during the period March 21, 2011 through March 23, 2011. A total of 1482 deviations from the minimum of		

1450°F firebox exit temperature occurred. The fire box chamber exit temperature set point was reset during the IPT. The new minimum temperature is 1301°F.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
83193 PERMIT  
Description: Several deviations were reported for failing to maintain the new minimum firebox exit temperature 1301°F between March 26, 2011 and December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Description: DCP reported that during a recent internal environmental audit on September 12-16, 2011, the company discovered that EPN V-1 is authorized for 60 blowdowns and a total of 30 mcf/yr under 30 TAC 106.352. DCP reported that in 2006 a total of 94 blowdown events from EPNV-1 occurred. This exceeds the 60 annual blowdowns authorized by permit.

Self Report? NO Classification: Moderate  
Citation: 2568 OP  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Description: During an internal environmental audit on September 12-16, 2011, the company discovered that there was no records of quarterly opacity observations for the 4th quarter of 2006, which is required by SOP Permit no. O2568, Special Terms and Conditions (3)(A)(iv)(1).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
5C THSC Chapter 382 382.085(b)  
83193 PERMIT  
Description: During the most recent internal environmental audit the company discovered that the facility is not using the H2S measured by the chromatograph of the flared gas stream to estimate emissions from flaring events as required by Special Condition no. (17) (D) of permit no. 83193/PSD-TX-1104. They also report that according to Special Condition no. (17), the flared gas net heating value and actual exit velocity must be recorded at least once every 15 minutes during flaring events.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
5C THSC Chapter 382 382.085(b)  
Description: During an internal environmental audit that took place September 12-16, 2011, DCP determined that records of non-reportable releases do not include sufficient information to be considered a record in accordance with 30 TAC 101.201. DCP failed to properly keep records of non-reportable emissions events. They also failed to report this deviation in previous deviation reports.

Self Report? NO Classification: Moderate  
Citation: 02568 OP  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
5C THSC Chapter 382 382.085(b)  
Description: DCP discovered during the internal environmental audit that took place September 12-16, 2011, that they failed to submit a complete Data Assessment Report (DAR) required by 40 CFR Part 60 Appendix f-7, Reporting Requirements, in the previous LLL Semi-Annual Report (SAR). They also state that the company is unable to provide a complete DAR for the SAR.

Self Report? NO Classification: Moderate  
Citation: 02568 OP  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6625(b)  
5C THSC Chapter 382 382.085(b)  
Description: DCP reported that there were several instances of catalyst inlet temperature exceedances during the reporting periods of July 01, 2011 and December 31, 2011; January 01, 2012 through June 30, 2012 and July 01, 2012 through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 02568 OP  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Description: DCP is in violation of failing to include all instances of violations in previous deviation reports. This is a violation of 30 TAC Chapter 122.145(2)(A).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
5C THSC Chapter 382 382.085(b)  
Description: DCP failed to submit a complete DAR required by 40 CFR Part 60 Appendix F (7) reporting Requirements in the LLL Semi-Annual Report (January 25, 2013). The company failed to submit the zero and span calibration drift assessment that is

required to be included in the DAR for the O2 analyzer for the reporting period (July 01, 2012 through September 12, 2012). The O2 analyzer was not



configured to conduct a daily zero and span calibration drift assessment for the O2 analyzer required in 40 CFR 60.13.

2      Date:    10/03/2013    (1120299)                      CN601229917  
Self Report?   NO    Classification:    Moderate  
Citation:        30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
                     5C THSC Chapter 382 382.085(b)  
Description:    During an onsite investigation this investigator observed opacity from the TGI  
                     Stack on May 16, 2013. No amount of Opacity is authorized according to Permit  
                     no. 83193 Special Condition no. 8.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DCP MIDSTREAM, LP  
RN100220052**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0381-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DCP Midstream, LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a natural gas compressor station located 4.25 miles south and 17 miles east of Dumas off Highway 1973 in Moore County, Texas (the "Station").

2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on February 11, 2014, TCEQ staff documented that the Respondent released 510,778.67 pounds ("lbs") of sulfur dioxide, 5,545.40 lbs of hydrogen sulfide, 123.22 lbs of carbon monoxide, 30.94 lbs of nitrous oxide, and 26.42 lbs of natural gas mixture from the Sneed Emergency Acid Gas Flare (Emissions Point Number FLR1) during an event that occurred from December 6, 2012 through December 24, 2012 (Incident No. 176900) and lasted 433 hours and 17 minutes. The emissions event occurred when the Emergency Shutdown System activated and shut down the Sulfur Recovery Unit ("SRU") due to a tube leak in the waste heat exchanger of the reaction furnace. Acid gas was routed to the flare until the SRU could be repaired and restarted, causing the flare to smoke. TCEQ staff determined that this event was an excessive emissions event.
4. The Respondent received notice of the violations on March 4, 2014.
5. The Executive Director recognizes that, on May 10, 2014, the Respondent completed the corrective action plan submitted on May 2, 2014 which included the replacement of all tubes, ferrules, and refractory in the waste heat exchanger to address the excessive emissions event from December 6, 2012 through December 24, 2012 (Incident No. 176900).

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and 101.20(1) and (3), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), New Source Review Permit Nos. 83193 and PSDTX1104, Special Conditions Nos. 1 and 17C, and Federal Operating Permit No. O2568, Special Terms and Conditions No. 8.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Hundred Twelve Thousand Five Hundred Dollars (\$112,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250) of the administrative

penalty. Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Twelve Thousand Five Hundred Dollars (\$112,500) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: DCP Midstream, LP, Docket No. 2014-0381-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Pamela M. Jones*  
For the Executive Director

9/25/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of DCP Midstream, LP. I am authorized to agree to the attached Agreed Order on behalf of DCP Midstream, LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, DCP Midstream, LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Ghazi Shahin*  
Signature

7/23/14  
Date

Ghazi Shahin  
Name (Printed or typed)  
Authorized Representative of  
DCP Midstream, LP

VP OPS  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.





**Attachment A**  
**Docket Number: 2014-0381-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>DCP Midstream, LP</b>
<b>Penalty Amount:</b>	<b>One Hundred Twelve Thousand Five Hundred Dollars (\$112,500)</b>
<b>SEP Offset Amount:</b>	<b>Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Borger Independent School District</b>
<b>Project Name:</b>	<b><i>Borger ISD Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Hutchinson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Borger Independent School District** for the *Borger ISD Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel and gasoline buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel or gasoline school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

DCP Midstream, LP  
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Borger Independent School District SEP** and mail the contribution with a copy of the Agreed Order to:

Borger Independent School District  
200 East Ninth Street  
Borger, Texas 79008-1177

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.